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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,045	06/15/2006	Norihiko Kobayashi	KAN-110US	6758

52473 7590 08/19/2009

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EXAMINER	
CORRIELUS, JEAN M	
ART UNIT	PAPER NUMBER
2162	
MAIL DATE	DELIVERY MODE
08/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/583,045	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	JEAN M. CORRIELUS	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-16* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed on May 19, 2009, in which claims 1-16 are presented for examination.

Response to Amendment

2. The amendment filed on may 19, 2009 has considered as to the merits.

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7-16 recite "a tied manner beforehand". It is unclear to the examiner as to what the applicant is referring to a tied manner beforehand. Clarification is strongly advised.

6. the limitation "the acquisition, in the meantime; by the request; and on the basic". There is insufficient antecedent basis for this limitation in the claim. The dependent claims should also be reviewed for informalities.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over lane et al., (Lane) US Patent no. 6,542,611 and Takechi US Patent no. 7,126,642.

As to claims 1, 2 and 4, Lane discloses the claimed "a control signal detecting section……" (detecting a performer's voice, see fig.1); control "signal attribute information managing section……..." (local audio signal multi state echo); and "index generating section……..." (see fig.6). However, Lane does not explicitly disclose a VCR, and Telop.

Takechi, on the other hand, discloses a Telop (see FIG. 11, a telop detection circuit) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of the cited references for the purpose of arriving to the invention as claimed. One having ordinary skill in the art would have found it motivated to used such a

combination for preventing input signal without changing the aspect ratio of the input image signal

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over lane et al., (Lane) US Patent no. 6,542,611 in view of Asmussen US Patent No. 7,293,279.

As to claim 3, Lane discloses the claimed "a control signal detecting section……" (detecting a performer's voice, see fig.1); control "signal attribute information managing section……." (local audio signal multi state echo); and "index generating section……." (see fig.6). However, Lane does not explicitly disclose a VCR,

Asmussen, on the other hand, discloses analogous system that performs a guide record functions and operate the control signal of a VCR by sending from the set top terminal to the VCR via the video connection or through a separate connection between the set top terminal and the VCR, wherein the VCR is capable of interpreting these control signals from the set top terminal and performing the desired function, see fig.22. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the control signal disclosed by Lane would incorporate the use of a VCR, in the same conventional manner as disclosed by Asmussen. One having ordinary skill in the art would have found it motivated to use a control signal of a VCR for the purpose of allowing the viewer to view the video program he/she has missed during the event and can efficiently access several TV programming options.

11. Claims 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over lane et al., (Lane) US Patent no. 6,542,611 in view of Engebretson et al., (hereinafter "Engebretson") US Patent No. 5,724,433.

As to claims 5-16, Lane substantially discloses the invention as claimed, except for a log data. On the other hand, Engebretson discloses a **control signal** which is transformed to log encoded **data by a log** transformer using standard techniques and as more fully, wherein the log encoded data represents the extracted signal characteristics present in the signal at input. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the control signal of lane would incorporate the use of a data log. One having ordinary skill in the art would have found motivated to use a data log in the control signal of lane for the purpose of storing video program for later use.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean M Corrielus/
Primary Examiner, Art Unit 2162

August 19, 2009